

## REMARKS

Consideration of Applicants' Supplemental Information Disclosure Statement, filed December 7, 2004, under 37 C.F.R. § 1.97 and § 1.98, is respectfully requested in light of the following remarks.

On page 2 of the Office Action, under *Information Disclosure Statement (IDS)*, the Examiner has stated that "Applicants' IDS submitted December 10, 2004 under CFR 1.97 and 1.98 has **not** been considered since it has been filed after the Appeal Brief filed August 30, 2004,..." (emphasis in original).

In response, Applicants respectfully direct the Examiner's attention to 37 C.F.R. § 1.97(d), § 1.97(d)(1), and § 1.97(d)(2), which describe requirements for filing an information disclosure statement after prosecution in an application is closed:

- (d) An information disclosure statement shall be considered by the Office if filed by the applicant after the period specified in paragraph (c) of this section, *provided that the information disclosure statement is filed on or before payment of the issue fee and is accompanied by:*
  - (1) *The statement specified in paragraph (e) of this section;*  
and
  - (2) *The fee set forth in § 1.17(p).* (emphases added)

Applicants further respectfully direct the Examiner's attention to Applicants' Supplemental Information Statement, which was filed December 7, 2004, **before payment of an issue fee and accompanied by the requisite statement and requisite fee.** Accordingly, Applicants respectfully submit that the afore-mentioned requirements, under 37 C.F.R. § 1.97(d), § 1.97(d)(1), and § 1.97(d)(2), for filing an information disclosure statement have been met by Applicants in their filing of the December 7, 2004 Supplemental Information Disclosure Statement.

Applicants submit that because the Appeal is complete the Examiner now has an obligation to consider the Information Disclosure Statement filed by Applicants on December 7, 2004.

Respectfully submitted,

A handwritten signature in black ink that reads "Rebecca Ball". The signature is fluid and cursive, with the first name and last name clearly distinguishable.

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